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Filed : December 14, 2001

## REMARKS

The foregoing amendments and the following remarks are responsive to the Office Action of October 4, 2006. The non-final Office Action was based on pending Claims 1-51. By this response, Applicant is amending Claims 1 and 38. Claims 2-37 and 39-51 remain as originally presented.

Thus, after entry of the foregoing amendments, Claims 1-51 are pending and are presented for further consideration. In view of the remarks set forth below, Applicant respectfully submits that Claims 1-51 are in condition for allowance.

### Response to Rejection of Claims 1-22 and 26-51 Under 35 U.S.C. § 102(e)

Claims 1-22 and 26-51 were rejected under 35 U.S.C. § 102(e) as being anticipated by the U.S. Patent Application Publication 2006/0212904 of Klarfeld et al. ("Klarfeld"). Applicant respectfully submits that Klarfeld does not anticipate Claims 1-22 and 26-51 for at least the following reasons.

#### Claim 1

Amended Claim 1 recites (emphasis added):

1. An audiovisual system for use with a display device for displaying an audiovisual advertisement to a user, the audiovisual system comprising:
  - a storage subsystem adapted to receive and store audiovisual advertising segments and to retrieve and transmit stored audiovisual advertising segments, each audiovisual advertising segment having metadata indicative of the audiovisual advertising segment;
  - a preference determination module coupled to the storage subsystem, the preference determination module responsive to user input and to the metadata to generate one or more user profiles, each user profile indicative of characteristic viewing preferences of a corresponding user; and
  - a system controller coupled to the storage subsystem, the system controller responsive to the metadata and to the user profile corresponding to the user to select and retrieve a plurality of stored audiovisual advertising segments from the storage subsystem and to **dynamically assemble the retrieved plurality of stored audiovisual advertising segments to form a multi-segment audiovisual advertisement, wherein each of the segments is directed to a common subject of the multi-segment advertisement**, whereby the plurality of stored audiovisual advertising segments is selected to tailor the multi-segment audiovisual advertisement to the characteristic viewing preferences of the user.

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Applicant submits that Klarfeld does not disclose every limitation of amended Claim 1. For example, Klarfeld does not disclose “a system controller . . . to dynamically assemble the retrieved plurality of stored audiovisual advertising segments to form a multi-segment audiovisual advertisement, wherein each of the segments is directed to a common subject of the multi-segment advertisement . . .” A specific example of the claimed invention recited by amended Claim 1 is described by the specification at paragraphs 64-67, which describe an embodiment where advertising segments are assembled to form a multi-segment advertisement for an automobile. Each advertising segment is directed to a common subject of the advertisement, which urges consumers to purchase the advertised automobile.

Rather than disclosing the dynamic assembly of advertising segments to form a multi-segment advertisement, Klarfeld discloses assembling a sequence of discrete advertisements, each directed to a subject that bears no direct relationship to the subject matter of any of the other advertisements. (*See e.g.* Klarfeld, paragraphs 232-247).

For at least the reason that Klarfeld does not disclose every limitation recited by amended Claim 1, Applicant submits that Klarfeld does not anticipate amended Claim 1.

Claims 2-22 and 26-37

Claims 2-22 and 26-37 depend from amended Claim 1. Claims 2-22 and 26-37 are patentably distinguished over Klarfeld for at least the reasons set forth above with respect to amended Claim 1.

Claim 38

Amended Claim 38 is patentably distinguished over Klarfeld at least for reasons similar to those set forth above with respect to the patentability of amended Claim 1. For at least the reason that Klarfeld does not disclose every limitation recited by amended Claim 38, Applicant submits that Klarfeld does not anticipate amended Claim 38.

Claims 39-49

Claims 39-49 depend from amended Claim 38. Claims 39-49 are patentably distinguished over Klarfeld for at least the reasons set forth above with respect to amended Claim 38.

Claim 50

Claim 50 recites (emphasis added):

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50. An audiovisual system for use with a display device for displaying an audiovisual advertisement to a user, the audiovisual system comprising:

a storage subsystem adapted to receive and store audiovisual advertising segments and to retrieve and transmit stored audiovisual advertising segments, each audiovisual advertising segment having metadata indicative of the audiovisual advertising segment;

a preference determination module coupled to the storage subsystem, the preference determination module responsive to user input and to the metadata to generate one or more user profiles, each user profile indicative of characteristic viewing preferences of a corresponding user and stored on the storage subsystem, **each user profile comprising a time span preference parameter indicative of a preferred advertisement time span of the corresponding user;** and

a system controller coupled to the storage subsystem, the system controller responsive to the metadata and to the user profile corresponding to the user to select and retrieve at least one stored audiovisual advertising segment from the storage subsystem, whereby the audiovisual advertisement has a time span which conforms to the time span preference parameter of the user profile.

Applicant submits that Klarfeld does not disclose every limitation of Claim 50. For example, Klarfeld does not disclose “a preference determination module . . . to generate one or more user profiles . . . each user profile comprising *a time span preference parameter indicative of a preferred advertisement time span of the corresponding user.*” An example of the claimed invention recited by Claim 50 is described by the specification at paragraphs 39-42. While the Office Action cites paragraphs 232-247 of Klarfeld as disclosing this limitation, Applicant is unable to locate any passage of the portion of Klarfeld cited in the Office Action which discloses the above-identified limitation. If the rejection is to be maintained, Applicant respectfully requests clarification regarding this rejection.

For at least the reason that Klarfeld does not disclose every limitation recited by Claim 50, Applicant submits that Klarfeld does not anticipate Claim 50.

#### Claim 51

Claim 51 depends from Claim 50. Claim 51 is patentably distinguished over Klarfeld for at least the reasons set forth above with respect to Claim 50.

#### **Response to Rejection of Claims 23-25 Under 35 U.S.C. § 103(a)**

Claims 23-25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Klarfeld in view of the knowledge possessed by one of ordinary skill in the art. Claims 23-25 depend from and include each of the limitations of amended Claim 1. As set forth above, Klarfeld does

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not disclose every limitation of Claim 1. Applicant submits that the knowledge of one of ordinary skill in the art at the time of the invention does not teach or suggest the limitations of amended Claim 1 which are not disclosed by Klarfeld. Therefore, Claims 23-25 are patentably distinguished over the combination of Klarfeld with the knowledge possessed by one of ordinary skill in the art at the time of the invention.

**Conclusion**

In light of the foregoing amendments and remarks, Applicant submits that Claims 1-51 are in condition for allowance, and such action is earnestly solicited. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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